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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,181	04/01/2004	Ho Sung Lee	K-0627	6458

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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER

BERTHEAUD, PETER JOHN

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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11/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,181

Applicant(s)

LEE, HO SUNG

Examiner

Peter J. Bertheaud

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendments of 10/17/2007. It is noted that claims 1, 3, 6-8, 12-14, 16, 18, and 19 have been amended, claims 2 and 15 have been cancelled, and claims 21-25 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-12, and 14-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Tack 6,390,788.

Tack discloses a suction muffler assembly comprising compression part 7 for drawing a low pressure refrigerant, compressing the refrigerant to a high pressure, and discharging the refrigerant; a suction muffler 9 for attenuating noise of the refrigerant introduced thereto, and discharging the refrigerant toward the compression part; a suction pipe 10 for guiding refrigerant from an outside of the compressor to the suction muffler 9; and a suction muffler connector (see Fig. 2) for connecting the suction muffler 9 and the suction pipe 10, wherein the suction muffler connector comprises: a connection spring 12 having one side connected to the suction pipe 10 for guiding the refrigerant to the suction muffler 9, and a connection pipe (see portion of 11 that surrounds the spring and below) fitted to surround the connection spring from

preventing exposure of an outside circumference of the connection spring , having a top part held at an inlet to the suction muffler, wherein the connection spring includes an enlarged part having an outside diameter greater than an inside diameter of the connection pipe (see bottom half of 12 in Fig. 2). Tack further discloses that the connection pipe 11 is formed of an elastic material (see col. 2, lines 16-20). Tack further discloses a connection cap (see top portion of 11 in Fig. 2) between the connection pipe and a suction muffler inlet; wherein, the connection cap has an upper outside circumferential surface that is held by the inlet to the suction muffler 9. Tack also discloses that the connection cap includes a hook 11j for hooking an inlet to the suction muffler 9; the connection cap 11 is formed of an elastic material (see col. 2, lines 17-19). Tack also discloses that the connection spring 12 has an inside diameter of an upper part thereof of a suction muffler side smaller than an inside diameter of a lower part thereof; wherein the connection spring 12 has a sectional area for flow of refrigerant, that becomes smaller as it goes upward to a suction muffler side. Tack also discloses that the enlarged part of the connection spring 12 extends below a lower edge of the connection pipe. Tack further discloses that the connection pipe includes a holding part having an annular recess for holding the enlarged part of the connection spring 12 (the inside of element 11 is being interpreted as the holding part; therefore, the annular recess is the cavity within 11, specifically the shoulder portion which contacts the narrowing part of 12); wherein, the annular recess has a diameter that is larger than a diameter of the remaining portions of the connection pipe.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tack 6,390,788.

Tack discloses the claimed invention except for the connection spring extending above the upper end of the connection pipe and into the suction muffler. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the spring extend above the connection pipe and into the muffler because Applicant has not disclosed that the this arrangement provides an advantage, is used for a particular purpose, or solves a stated problem. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (see MPEP 2144.04, VI. C. – Rearrangement of Parts).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

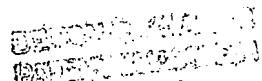

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PJB 11/1/07



11/6/07